

REASONS FOR ALLOWANCE

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 1/25/10 has been entered.

Claims 13 and 16-19 are allowed.

The following is an examiner's statement of reasons for allowance: Uno *et al.* (US 2002/0188073) disclose a polyester molding composition (¶ 11, 90, 93, 96) comprising 30 to 95 parts by weight PBT (¶ 24-25, 27), 1-30 parts by weight of polyester elastomer (¶32), and 1-30 parts by weight polycarbonate {total is 100 parts by weight} {based on total of resin} (¶ 1-2, 11-15, 20).

Joachimi *et al.* (US 2003/0130381) disclose a moulding composition (¶ 1, 26-31) comprising polybutylene terephthalate (¶ 42, 47-48, 50-51, 53, 102) and polycarbonate (¶ 54, 102), in an amount of 35 to 99.999 wt% (¶ 27); an elastomer (¶ 32-34, 115, 125-128), in an amount of 0 to 30 wt% (¶ 30); and a plasticizer (¶ 117, 124) in an amount of 0 to 30 wt% (¶ 30), specifically dioctyl phthalate {phthalic acid dioctyl ester} (¶ 124), which has an index of refraction of 1.49. Joachimi *et al.* teaches laser welding of a molded product and counterpart (¶ 1, 24-30, 42, 139-149, 155-161), wherein the first molded product is in contact with the laser

beam {laser transparent} and the counterpart is located on the receiving side [instant claim 13] (¶ 160-161, tables 5 and 6).

Houston *et al.* (US 2002/0190408) disclose the refractive index of an elastomer should be chosen to produce an iso-refractive system between the two phases present in order to minimize light scattering (¶ 54).

While the combination of Uno *et al.* (US '073), Joachimi *et al.* (US '381) Houston *et al.* (US'408) suggest a process for laser welding a laser weldable composition containing PBT, PC, a plasticizer {dioctyl phthalate}, and a polyester elastomer [see Office action mailed 10/6/09], the combined teaching does not disclose with sufficient specificity how to obtain an iso-refractive system of the claimed four component composition for a laser welding process. Such a reconstruction of the claims would be based on improper hindsight reasoning.

Additionally, the nonstatutory obviousness-type double patenting rejection based upon U.S. Patent No. 7,396,428 has been withdrawn, as incorporation of claims 14 and 15 into claim 13 precludes a rejection based upon US '428.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Correspondence

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MICHAEL PEPITONE whose telephone number is (571)270-3299. The examiner can normally be reached on M-F, 7:30-5:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Eashoo can be reached on 571-272-1197. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MFP
26-August-11

/Mark Eashoo/

Supervisory Patent Examiner, Art Unit 1767